REMARKS

Status of the claims:

Claims 1, 3-7, 26-33, and 35-50 are pending and ready for further action on the merits. Reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §112, first paragraph

Claims 1, 3-6, 30-33, 35, and 38 are rejected under 35 USC §112, first paragraph as not being enabled.

As was pointed out in the response of February 26, 2004, Applicants assert that the Examiner has failed to support the broad supposition that the claims are not fully enabled. Applicants submit that the Examiner has failed to meet the burden of presenting a *prima facie* case as to why the claims would not be enabled. Section 2164.04 of the MPEP citing *In re Marzocchi*, 169 USPQ 367, 370 (CCPA 1971), states:

> *It is incumbent upon the Patent Office, whenever a rejection on this basis (enablement) is made, to explain why it doubts the truth of accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement.*

The Examiner has failed to meet this initial burden. The Examiner has not provided any evidence or reasoning why the protein enumerated, for example, in claim 35 would not bind kringle 5, while having the additional functional and structural

properties as claimed. Absent some evidence from the Examiner that this protein cannot be made and used without undue experimentation, one must assume that the full scope of the claimed invention is enabled by the specification.

However, Applicants, herein, also demonstrate that the protein enumerated, for example, in claim 35 does bind kringle domain 5. Attached to this response, please find two figures showing experimental data that kringle 5 angiomotin ("an isolated human protein or fragment of ABP-1 (SEQ ID NO: 2)") does bind kringle domain 5. Please see figure B. This is evident when one notes that the addition of angiostatin inhibits cell migration. Thus, with this experiment, Applicants have shown that the claims, as they currently appear, are enabled for the full scope of the claims such that one of skill could make and use the invention commensurate in scope with the claimed invention without undue experimentation. The enablement rejection is inapposite. Withdrawal of the rejection is warranted and respectfully requested.

With the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg.

No. 50,990), in the Washington metropolitan area at the phone number listed below.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a response in connection with the present application. The required fee of $950.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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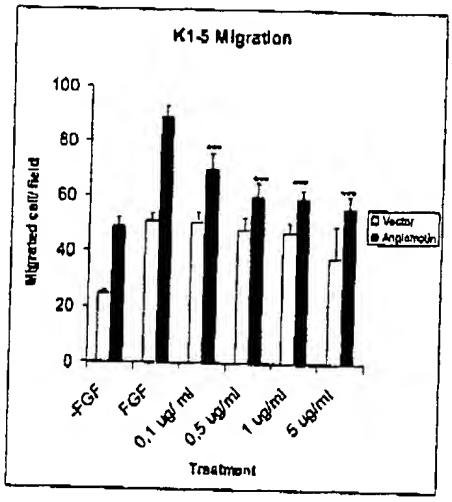
Attachment: Figure A and B showing binding of protein to Kringle 5.

A



B

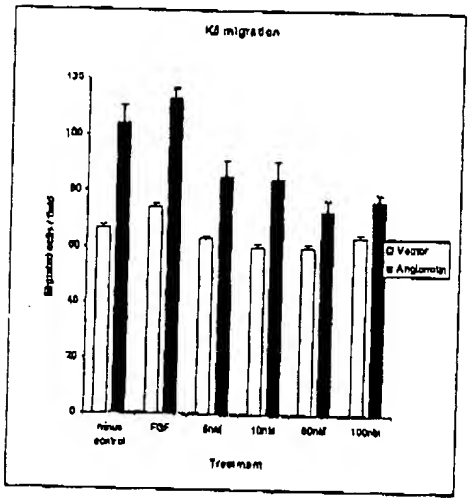


Figure 1. Angiomotin mediates Kringle 1-5 and kringle 5 inhibition of endothelial migration Migration of MAE cells transfected with angiomotin or with the vector alone was studied in the modified Boyden chamber assay (Neuroprobe Inc.). Effect of angiostatin on migration of MAE-angiomotin and MAE vector cells with or without stimulation with bFGF. Cells were pretreated for 1 h with either kringles 1-5 (A) or kringle 5 (B) as indicated. All samples were performed in quadruplicates (error bars 5 SD).